

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.1360 OF 2007
IN CRIMINAL APPEAL NO.637 OF 2005)
(Syed Afsar Syed Mujjawar vs. State)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

CORAM : D.D.SINHA AND
B.P. DHARMADHIKARI, JJ.

DATED : JULY 25, 2007

Heard Shri Daga, learned Counsel
for the applicant, and Shri Deopujari,
learned Additional Public Prosecutor for the
respondent.

Shri Daga, learned Counsel for the
applicant, states that Criminal Application
No.1360/2007 is moved by the applicant
for grant of temporary bail on the ground
of ailment of his son, namely, Syed Azim,
who is young boy of twelve years. The
learned Counsel prays that criminal
application may be treated as application

for parole leave. It is contended that young son of the applicant is suffering from serious ailment and though there are elderly members in the family, however, they are incapable of taking care of the child, who requires medical treatment at J.J. Hospital, Bombay and, therefore, if applicant is released on parole, he would be in a position to secure requisite medical treatment for his son from Hospital at Bombay.

Shri Deopujari, learned Additional Public Prosecutor for the respondent, on instructions from Superintendent of Police, Washim does not dispute factual aspect of ailment of son of the applicant and who is required to be taken to J.J. Hospital, Bombay for necessary treatment.

In the backdrop of the above referred facts particularly looking to the age of the child of the applicant and ailment he is suffering from, we are of the view that case is made out for grant of parole leave to the applicant. Hence, criminal application is disposed of with

direction to the respondent to release applicant on parole leave after following due procedure applicable in this regard, for a period of three weeks from the date of release. The applicant is directed to surrender before Jail Authorities on or before expiry of last day of third week from the date of his release.

JUDGE

JUDGE

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